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Attorneys for Plaintiffs  
 JAREK MOLSKI  
 and DISABILITY RIGHTS  
 ENFORCEMENT, EDUCATION,  
 SERVICES: HELPING YOU  
 HELP OTHERS

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

JAREK MOLSKI, an individual; and  
 DISABILITY RIGHTS ENFORCEMENT,  
 EDUCATION, SERVICES: HELPING  
 YOU HELP OTHERS, a California public  
 benefit corporation,

Plaintiffs,

v.

LUGANO SWISS BISTRO; ANDRE  
 LENGACHER; NARGIS DIN  
 LENGACHER, dba LUGANO SWISS  
 BISTRO; and SIMA BARNYARD L.L.C.,

Defendants.

**CASE NO. C04-4713 RS**

**STIPULATION OF DISMISSAL AND  
~~PROPOSED~~ ORDER THEREON**

Plaintiffs JAREK MOLSKI and DISABILITY RIGHTS ENFORCEMENT,  
 EDUCATION SERVICES, by and through their counsel, and defendant SIMA  
 BARNYARD L.L.C., by and through their counsel, stipulate to dismissal of this action in  
 its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the  
 Settlement Agreement and General Release (“Agreement”) herein, each party is to bear  
 its own costs and attorneys’ fees. The parties further consent to and request that the Court

STIPULATION OF DISMISSAL AND [PROPOSED] ORDER THEREON

1 retain jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life*  
2 *Ins. Co.*, 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over  
3 enforcement of settlement agreements).

4 Therefore, IT IS HEREBY STIPULATED by and between parties to this action  
5 through their designated counsel that the above-captioned action be and hereby is  
6 dismissed with prejudice pursuant to Federal Rules of Civil Procedure section 41(a)(1).

7 This stipulation may be executed in counterparts, all of which together shall  
8 constitute one original document.

9  
10 Dated: September 20, 2006

THOMAS E. FRANKOVICH  
A PROFESSIONAL LAW CORPORATION

11  
12 By: /s/  
13 Julia M. Adams  
14 Attorneys for JAREK MOLSKI and  
15 DISABILITY RIGHTS ENFORCEMENT,  
EDUCATION SERVICES:HELPING YOU HELP  
OTHERS

16 Dated: September 20, 2006

LOMBARDO & GILLES

17  
18 By: /s/  
19 James W. Sullivan  
20 Attorneys for Defendant SIMA BARNYARD  
L.L.C.

21 **ORDER**

22 IT IS SO ORDERED.

23  
24  
25 Dated: October 2, 2006

26   
27 Hon. Richard Seeborg  
28 UNITED STATES MAGISTRATE JUDGE